

TWELFTH DAY - JANUARY 25, 2002

LEGISLATIVE JOURNAL

NINETY-SEVENTH LEGISLATURE SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 25, 2002

PRAYER

The prayer was offered by Senator Coordsen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Aguilar, Dw. Pedersen, Suttle, and Thompson who were excused; and Senators Beutler, Cunningham, Engel, Landis, Maxwell, Raikes, Schrock, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 848. Placed on Select File as amended.
E & R amendment to LB 848:
AM7145

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 7-102, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 7-102. (1) Admission to the Nebraska bar shall be
- 6 governed by admission standards and procedures established by rules
- 7 adopted by the Supreme Court. Such standards may include, without
- 8 limitation, educational requirements, character and fitness
- 9 standards, and satisfactory performance on a bar examination
- 10 testing the applicant's knowledge of such legal principles as the
- 11 court may determine. No person shall be admitted to the Nebraska

12 bar, nor permitted to retain such admittance, unless it is shown to
13 the satisfaction of the Supreme Court that such person is of good
14 moral character. The Supreme Court may appoint a bar commission,
15 designated as the Nebraska State Bar Commission, composed of not
16 less than six persons learned in the law to assist in or conduct
17 any bar examination and, by rule of court, to assist the Supreme
18 Court in matters pertaining to bar admission. The Supreme Court
19 shall fix times when examination shall take place, which may be
20 either in term or vacation, and shall prescribe and publish rules
21 to govern such examinations and may appoint a commission composed
22 of not less than three persons learned in the law to assist in or
23 conduct any such examination or examinations. But no person shall
24 be admitted to the bar unless such person is at least twenty-one
1 years of age, and of good moral character, and unless such person
2 either has had a preliminary education, other than legal,
3 equivalent to that involved in the completion of the first three
4 years of a high school course accredited by the state department of
5 public instruction and has regularly and attentively studied law in
6 a reputable law school or in the office of a practicing attorney,
7 or partly in such school and partly in such office, for a period of
8 at least three years, at least one year of which office study shall
9 have been passed in a law office in this state, or shall have been
10 the regular, qualified and acting clerk of the Supreme Court or any
11 district court of this state for at least eight years, and shall
12 pass a satisfactory examination upon the principles of the common
13 law, equity, criminal law, statutes and practice of this state; or
14 is a regular graduate of the College of Law of the University of
15 Nebraska or of such other college of law of this state having
16 entrance requirements and a course of study equal to and equivalent
17 to those of the law school of the University of Nebraska, as the
18 Supreme Court shall, upon application and showing, designate as a
19 college of law whose graduates shall be entitled to admission
20 without examination. Such other college of law shall be a member
21 of the Association of American Law Schools. Provision shall be
22 made, by rule of court, for the registration of students in law
23 offices in this state, at the beginning of their respective terms
24 of study in the office of the Clerk of the Supreme Court or the
25 office of the clerk of the district court in the county in which
26 any such law office is located.

27 (2) The application for admission to the bar shall
1 include the applicant's social security number. Each applicant
2 shall submit to the bar commission with the bar application for
3 admission a complete set of his or her legible fingerprints along
4 with written permission authorizing the set of fingerprints to be
5 forwarded to the Identification Division of the Federal Bureau of
6 Investigation, through the Nebraska State Patrol. Upon request by
7 the bar commission, the Nebraska State Patrol shall undertake a
8 search for criminal history record information relating to the
9 applicant, including transmittal of the applicant's fingerprints to

10 the Identification Division of the Federal Bureau of Investigation
 11 for a national criminal history record information check. The
 12 criminal history record information check shall include information
 13 concerning the applicant from federal repositories of such
 14 information and repositories of such information in other states if
 15 authorized by federal law. The Nebraska State Patrol shall issue a
 16 report to the bar commission and to the applicant which includes
 17 the criminal history record information concerning the applicant.
 18 The fingerprint record check provided for in this subsection shall
 19 be solely for the purpose of evaluating and confirming information
 20 provided by the applicant for admission, except that if the
 21 applicant appeals a denial of admission to the bar or a refusal of
 22 permission to take the bar examination, the filing of such an
 23 appeal with the Supreme Court shall constitute a release of the
 24 information obtained from such a fingerprint record check for
 25 purposes of the appeal.

26 Sec. 2. Original section 7-102, Reissue Revised Statutes
 27 of Nebraska, is repealed."

- 1 2. On page 1, line 3, strike "requirements" and insert
- 2 "and membership requirements for the Nebraska bar".

LEGISLATIVE BILL 848A. Placed on Select File as amended.

E & R amendment to LB 848A:

AM7146

- 1 1. On page 1, line 3; and page 2, line 6, strike "First
- 2 Session, 2001" and insert "Second Session, 2002".
- 3 2. On page 2, line 2, strike "FY2001-02" and insert
- 4 "FY2002-03"; and in line 3 strike "FY2002-03" and insert
- 5 "FY2003-04".

(Signed) Philip Erdman, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and legislative resolutions:

LB/LR	Committee
LB 1224	Health and Human Services
LB 1234	Appropriations
LB 1235	Appropriations
LB 1236	Agriculture
LB 1237	Revenue
LB 1238	Transportation and Telecommunications
LB 1239	Urban Affairs
LB 1240	Government, Military and Veterans Affairs
LB 1241	Natural Resources
LB 1242	Revenue
LB 1243	Revenue

LB 1244	Revenue
LB 1245	Revenue
LB 1246	Revenue
LB 1247	General Affairs
LB 1248	Education
LB 1249	Appropriations
LB 1250	Education
LB 1251	Education
LB 1252	Education
LB 1253	Education
LB 1254	Education
LB 1255	Natural Resources
LB 1256	Natural Resources
LB 1257	Executive Board
LB 1258	Urban Affairs
LB 1259	Education
LB 1260	Revenue
LB 1261	Health and Human Services
LB 1262	Urban Affairs
LB 1263	Health and Human Services
LB 1264	Government, Military and Veterans Affairs
LB 1265	Judiciary
LB 1266	Judiciary
LB 1267	Natural Resources
LB 1268	Judiciary
LB 1269	Transportation and Telecommunications
LB 1270	Natural Resources
LB 1271	Government, Military and Veterans Affairs
LB 1272	Natural Resources
LB 1273	Education
LB 1274	Health and Human Services
LB 1275	Business and Labor
LB 1276	Urban Affairs
LB 1277	Health and Human Services
LB 1278	Judiciary
LB 1279	Judiciary
LB 1280	Revenue
LB 1281	Judiciary
LB 1282	Judiciary
LB 1283	Judiciary
LB 1284	Revenue
LB 1285	Agriculture
LB 1286	Transportation and Telecommunications
LB 1287	Judiciary
LB 1288	Natural Resources
LB 1289	Judiciary
LB 1290	Executive Board
LB 1291	Natural Resources
LB 1292	Health and Human Services

LB 1293	Judiciary
LB 1294	Agriculture
LB 1295	Agriculture
LB 1296	Agriculture
LB 1297	Natural Resources
LB 1298	Transportation and Telecommunications
LB 1299	Revenue
LB 1300	Revenue
LB 1301	Revenue
LB 1302	Government, Military and Veterans Affairs
LB 1303	Judiciary
LB 1304	Revenue
LB 1305	Education
LB 1306	General Affairs
LB 1307	Executive Board
LR 292CA	General Affairs
LR 293CA	Executive Board
LR 294CA	Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENTS

Senator Bruning designates LB 865 as his priority bill.

Senator Jensen designates LB 1149 as his priority bill.

MESSAGES FROM THE GOVERNOR

January 16, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Nebraska Investment Council.

APPOINTEE:

John Maddux, 74287 333 Ave, Imperial NE 69033

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

January 18, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Foster Care Review Board.

APPOINTEE:

Debra K. Starr, 2402 S 101 Ave, Omaha NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

January 22, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individuals have been appointed to the Commission for the Blind and Visually Impaired.

APPOINTEES:

*Dorothy Westin-Yockey, 3810 G St #3, South Sioux City NE 68776
Nichelle Ferreyra, 1319 5th Ave, Scottsbluff NE 69361

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/
*Reappointment

January 22, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Tax Equalization and Review Commission.

APPOINTEE:
Susan S. Lore, 7006 Otoe Rd, Alliance NE 69301

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 25, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bailey, Jon M.
Center for Rural Affairs

Cutshall & Associates
Antelope Valley Authority, Joint

Fahleson, Mark A.
Agri-Business Association, Nebraska

Kelley, Michael A.
Beverage Operators of Nebraska, Responsible

Liquor Distributors, Nebraska
Radcliffe & Associates

Mumgaard, D. Milo
Appleseed Center for Law in the Public Interest, Nebraska

Papa, Jolene M.
Media of Nebraska, Inc.

Schroeder, William R.
Alliance of American Insurers

Virgil, Steven M.
Appleseed Center for Law in the Public Interest, Nebraska

Watson, James S.
United HealthCare Corporation

REPORTS

The following reports were received by the Legislature:

Geographic Information Systems (GIS) Steering Committee, Nebraska
Annual Report and Strategic Plan Update of Building a Spatial Data
Infrastructure for Nebraska

Health and Human Services System
Operator's Licenses Suspended Annual Report

Roads, Department of
State Highway Commission for the period ending December 31, 2001,
Quarterly Report

GENERAL FILE

LEGISLATIVE BILL 82. Senator Bruning renewed his pending amendment, FA820, found on page 365, to the fourth Standing Committee amendment, FA824, found on page 364.

Senator Bruning withdrew his pending amendment, FA820.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers offered the following amendment to the fourth Standing Committee amendment:

FA826

Amend FA824

"This section shall take effect June 1, 2003."

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 2:

Chambers Price

Voting in the negative, 33:

Baker	Bourne	Brashear	Bromm	Bruning
Burling	Byars	Connealy	Cunningham	Engel
Erdman	Foley	Hartnett	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Landis
Maxwell	McDonald	Pederson, D.	Quandahl	Raikes
Redfield	Robak	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wehrbein		

Present and not voting, 10:

Beutler	Brown	Coorsden	Cudaback	Dierks
Kruse	Preister	Schimek	Synowiecki	Wickersham

Excused and not voting, 4:

Aguilar Pedersen, Dw. Suttle Thompson

The Chambers amendment lost with 2 ayes, 33 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the fourth Standing Committee amendment.

The Standing Committee amendment lost with 1 aye, 34 nays, 10 present and not voting, and 4 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

Baker	Bourne	Brashear	Bromm	Brown
Bruning	Burling	Byars	Connealy	Coorsden
Cudaback	Dierks	Engel	Erdman	Foley
Hartnett	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
McDonald	Pederson, D.	Preister	Price	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Synowiecki	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Beutler Cunningham Quandahl

Excused and not voting, 4:

Aguilar Pedersen, Dw. Suttle Thompson

Advanced to E & R for review with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 474:
AM2391

(Amendments to Standing Committee amendments, AM0244)

- 1 1. On page 1, line 6, strike "twenty-five", show as
2 stricken, and insert "twenty-one".

Senator Erdman filed the following amendment to LB 500:
(Amendment, AM2249, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

LB 1100	Monday, February 4, 2002	1:30 PM
LB 1101	Monday, February 4, 2002	1:30 PM
LB 906	Monday, February 4, 2002	1:30 PM

Monday, February 4, 2002	1:30 PM
AGENCY 84 - Dept. of Environmental Quality	
AGENCY 24 - Dept. of Motor Vehicles	

LB 929	Tuesday, February 5, 2002	1:30 PM
LB 1142	Tuesday, February 5, 2002	1:30 PM

Tuesday, February 5, 2002	1:30 PM
AGENCY 76 - Nebraska Indian Commission	
AGENCY 81 - Blind & Visually Impaired	
AGENCY 82 - Comm. Deaf & Hard of Hearing	
AGENCY 20 - HHS -- Regulation & Licensure	
AGENCY 25 - Health & Human Services	

AGENCY 26 - HHS--Finance & Support

(Signed) Roger R. Wehrbein, Chairperson

Executive Board
Room 1510

LB 1257 Monday, February 4, 2002

6:30 PM

(Signed) George Coordsen, Chairperson

ANNOUNCEMENT

Senator Beutler designates LB 707 as his priority bill.

STANDING COMMITTEE REPORTS **Revenue**

LEGISLATIVE BILL 886. Placed on General File.

LEGISLATIVE BILL 1112. Placed on General File.

LEGISLATIVE BILL 907. Indefinitely postponed.

LEGISLATIVE BILL 920. Indefinitely postponed.

LEGISLATIVE BILL 948. Indefinitely postponed.

LEGISLATIVE BILL 1024. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1029. Placed on General File.

LEGISLATIVE BILL 945. Placed on General File as amended.

Standing Committee amendment to LB 945:

AM2414

- 1 1. On page 4, line 22, after the period insert "If a
- 2 payment is made electronically by credit card, charge card, debit
- 3 card, or electronic funds transfer as part of a system for
- 4 providing or retrieving information electronically, the county
- 5 treasurer, county official, or political subdivision official shall
- 6 be authorized but not required to impose an additional surcharge or
- 7 convenience fee upon the person making a payment.".
- 8 2. On page 11, line 28, after the period insert "If a
- 9 payment is made electronically by credit card, charge card, debit
- 10 card, or electronic funds transfer as part of a system for
- 11 providing or retrieving information electronically, the state
- 12 official or state agency shall be authorized but not required to
- 13 impose an additional surcharge or convenience fee upon the person
- 14 making a payment.".

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 82A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 436. Title read. Considered.

The Standing Committee amendment, AM0286, found on page 620, First Session, 2001, was considered.

Senator Dierks renewed his pending amendment, AM2372, found on page 306, to the Standing Committee amendment.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

The Dierks amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Beutler offered the following amendment:
AM2403

- 1 1. On page 34, line 16, after "who" insert "owns or";
- 2 and in line 18 after "acts" insert "or omissions".
- 3 2. On page 48, strike beginning with the last comma in
- 4 line 4 through "unless" in line 5, show as stricken, and insert
- 5 "and".

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senators Robak and Erdman asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 436A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

MOTION - Suspend Rules

Senator Raikes moved to suspend the rules, Rule 3, Sec. 14, to permit scheduling of a public hearing on LB 1254 by the Education Committee.

The Raikes motion to suspend the rules prevailed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 568. Title read. Considered.

Senator Dierks asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM0380, found on page 629, First Session, 2001, was considered.

Senator Wickersham renewed his pending amendment, AM2371, found on page 306, to the Standing Committee amendment.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Education
Room 1525

LB 1254	Tuesday, January 29, 2002	1:30 PM
LB 1072	Monday, February 4, 2002	1:30 PM
LB 1141	Monday, February 4, 2002	1:30 PM
LB 1183	Monday, February 4, 2002	1:30 PM
LB 1213	Monday, February 4, 2002	1:30 PM
LB 1226	Monday, February 4, 2002	1:30 PM
LB 1259	Monday, February 4, 2002	1:30 PM

(Signed) Ron Raikes, Chairperson

Business and Labor
Room 2102

LB 1168	Monday, February 4, 2002	1:30 PM
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LB 1155	Monday, February 4, 2002	1:30 PM
LB 1078	Monday, February 4, 2002	1:30 PM
LB 1157	Monday, February 4, 2002	1:30 PM
LB 1158	Monday, February 4, 2002	1:30 PM

LB 1231	Monday, February 11, 2002	1:30 PM
LB 1167	Monday, February 11, 2002	1:30 PM
LB 1185	Monday, February 11, 2002	1:30 PM
LB 1194	Monday, February 11, 2002	1:30 PM

(Signed) Matt Connealy, Chairperson

Agriculture
Room 2102

LB 1236	Tuesday, February 5, 2002	1:30 PM
LB 1294	Tuesday, February 5, 2002	1:30 PM
LB 1295	Tuesday, February 5, 2002	1:30 PM
LB 1296	Tuesday, February 5, 2002	1:30 PM

(Signed) Merton L. Dierks, Chairperson

AMENDMENT - Print in Journal

Senator Redfield filed the following amendment to LB 57:
AM2360

- 1 1. Strike original section 2 and insert the following
- 2 new section:
- 3 "Sec. 2. Section 77-2701, Revised Statutes Supplement,
- 4 2001, is amended to read:
- 5 77-2701. Sections 77-2701 to 77-27,135.01 and 77-27,222
- 6 and section 3 of this act shall be known and may be cited as the
- 7 Nebraska Revenue Act of 1967."
- 8 2. On page 3, line 5, strike "2001" and insert "2002";
- 9 in line 6 strike "sections 33-126.05 and 77-2701" and insert
- 10 "section 33-126.05"; and in line 7 after the last comma insert "and
- 11 section 77-2701, Revised Statutes Supplement, 2001,".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Ferreya, Nichelle - Commission for the Blind and Visually Impaired - Health and Human Services

Lore, Susan S. - Tax Equalization and Review Commission - Revenue

Maddux, John - Nebraska Investment Council - Nebraska Retirement Systems

Starr, Debra K. - Foster Care Review Board - Health and Human Services

Westin-Yockey, Dorothy - Commission for the Blind and Visually Impaired
- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were 25 eighth grade students and teacher from Helen Hiatt Middle School, Lincoln; members of the Nebraska Indian Commission; members of the Nebraska Dental Hygiene Association from Lincoln; Michelle Hupp from Albion; and Representative Bill Friend and Dr. Trent Jones from Indiana.

The Doctor of the Day was Dr. Brad Hupp from Albion.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Monday, January 28, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

